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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,941	12/18/2000	Piotr Cofta	460-010020-US (PAR)	4785

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,941

Applicant(s)

COFTA ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on September 26, 2005. Claims 1– 10 were previously presented and no new claims were added.

Response to Arguments

2. Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive. Applicant's argument regarding claim 1, that Shear (U.S. Patent Number 6,157,721) does not disclose "how the signature to the module is formed" and "when binding the module, the program makes a call, provides the first tags and second call data, and the module to be bound is selected to be one which matches with the first tags and second call data transmitted in the call" are not persuasive because Shear discloses that "load module" comprises all or part of an executable computer program and/or associated data, and may constitute a sequence of instructions to bring a certain result within the computer or other computational element (see Column 9 line 43 – Column 10 line 59 and Column 20 line 1 – Column 21 line 5). Applicant's assertion that sheer does not describe how the signature to the module is verified during is incorrect because the previous office action cites the above section of Shear to disclose that authorized provider submits load modules to verifying authority to analyze load modules, testing them to make sure they do what they are supposed to do and do not compromise or harm system. Furthermore, Sheer discloses

the analysis and verification of load modules by providing with each load module, associated specifications that is, whether the specifications are both accurate and complete.

Applicant's assertion that Shear does not disclose when binding the module, the program makes a call, provides the first tags and second call data, and the module to be bound is selected to be one which matches with the first tags and second call data transmitted in the call is not persuasive because Shear discloses that the load module and associated specifications are provided for verification and verifying authority may analyze, test and/or otherwise validate the load module against the specifications and determine whether the load module satisfies the specifications. If the load module is found to satisfy its specifications, the verifying authority binds the load module plus corresponding digital signatures and associated descriptions (Column 20 line 1 – Column 21 line 5). Furthermore, Shear discloses that protected processing environment authenticates digital signature (second tag) created by approving load modules and the load modules with its associated digital signature are compared with the second call data (Column 13 line 4 – Column 14 line 60).

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the amended subject matter "when binding the module, the program makes a call, provides the first tags and second call data, and the module to be bound is selected to be one which matches with the first tags and second call data transmitted in the call" broadly recited in the amended independent claims. The dependent claims 2 –

6 and 8 – 10 are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action. Accordingly, the rejection for the pending claims 1 – 10 is respectfully maintained.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shear et al. (U.S. Patent Number 6,157,721).

4. Regarding Claim 1, Shear teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, the program modules are provided with first tags, wherein to start binding, the program makes a call to a subroutine, and the call is supplemented with the first tags to select the program module for binding, in which the called subroutine is stored, wherein the tags are supplemented with second tags, that the call is also supplemented with said second call data, and that in connection with the binding, said first tags stored in the program modules are compared with the first tags transmitted in the call, and the second tags are compared with the second call data transmitted in the call, and the program module to be bound is

selected to be the program module which matches with the first tags and the second call data transmitted in the call (Fig. 14; Column 9 line 43 – Column 10 line 59 and Column 20 line 1 – Column 21 line 5).

5. Regarding Claim 7, Shear teaches and describes a terminal comprising means for binding a program module, which program modules contain stored subroutines and first tags, and which terminal also comprises means for running programs, means for standing binding by performing in the program a call to a subroutine, the call being supplemented with first call data to select that program module for binding in which the called subroutine is stored, wherein the program modules contain stored second tags; that the terminal also comprises means for adding second call data to the call, means for comparing said first tags stored in the program modules with the first call data transmitted in the call, means for comparing the second tags with the second call data transmitted in the call, and means for selecting a program module to be bound on the basis of said comparison (Fig. 14; Column 9 line 43 – Column 10 line 59 and Column 20 line 1 – Column 21 line 5).

6. Claims 2 and 8 are rejected as applied above in rejecting claims 1 and 7. Furthermore, Shear teaches wherein the second tags to be formed in the program modules contain a digital signature (Fig. 14 and Column 9 line 43 – Column 10 line 59).

7. Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Shear teaches wherein the second tags to be formed in the program modules are stored in an encrypted form (Column 6 lines 5 – 52 and Column 20 lines 1 – 11).

8. Claims 6 and 10 are rejected as applied above in rejecting claims 1 and 7. Furthermore, Shear teaches where program modules are stored in a server communicating with a digital network, wherein the terminal used is a mobile terminal and the binding of the program modules is performed at least partly by messages complying with the WAP protocol (Column 13 lines 60 – 66, Column 17 lines 13 – 22 and Column 18 lines 3 - 18).

9. Claims 3, 5 and 9 are rejected as applied above in rejecting claims 2, 4 and 8. Furthermore, Shear teaches wherein the second call data are supplemented with a public key, on the basis of which the digital signature of the second call data formed in the program module is verified (Column 15 line 66 – Column 16 line 11).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

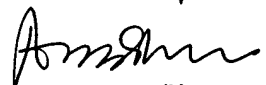
12. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
October 30, 2005.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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